

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**ASTELLAS INSTITUTE FOR  
REGENERATIVE MEDICINE, and  
STEM CELL & REGENERATIVE  
MEDICINE INTERNATIONAL,  
INC.,**

**Plaintiffs,**

**v.**

**IMSTEM BIOTECHNOLOGY,  
INC., XIAOFANG WANG, and  
REN-HE XU,**

**Defendants.**

Civil Action No. 1:17-cv-12239-ADB

Hon. Allison D. Burroughs

**JOINT MOTION TO EXTEND THE DEADLINE FOR FACT DISCOVERY**

Pursuant to Rule 16.1(g) of the Local Rules of the United States District Court for the District of Massachusetts, Plaintiffs Astellas Institute for Regenerative Medicine (“Astellas”) and Stem Cell & Regenerative Medicine International, Inc. (“SCRMI”) (collectively “Plaintiffs”) and Defendants ImStem Biotechnology, Inc. (“ImStem”), Xiaofang Wang, and Ren-He Xu (collectively, “Defendants”) file this Joint Motion to Extend the Deadline for Fact Discovery, for the limited purposes of completing certain previously noticed fact depositions. The parties agree that good cause exists for extending this deadline, to allow each party to take certain depositions after the currently scheduled close of fact discovery.

Pursuant to the Scheduling Orders, the fact discovery period is schedule to close on June 28, 2019. (D.I. 56, 57.) The parties have been working cooperatively in discovery, but need

additional time to complete the following previously noticed depositions of both parties' witnesses and third party witnesses: Ren-He Xu, Michael Men, Jianlin Chu, and Shi-Jiang (John) Lu. In addition, the parties are discussing witnesses for corresponding Rule 30(b)(6) topics relating to damages, and whether additional depositions will be necessary for Xiaofang Wang and Nicholas Kouris in light of certain discovery disputes, which the parties have been and are working to resolve without burdening the Court.

Good cause exists to extend the time for these depositions. The parties have made a good faith effort to schedule depositions within the current fact discovery period, and have taken five depositions so far. However, some depositions could not be scheduled before June 28, 2019 due to witness availability and additional depositions have not yet been completed while the parties resolve disputes about the scope and timing of those depositions.

This extension is not sought for delay, and the Court has not yet set a trial date. The parties have conferred and jointly request that the Court grant this Motion to Extend the Deadline for Fact Discovery, for the limited purposes of completing certain previously noticed fact depositions and third-party depositions, until July 19, 2019.<sup>1</sup>

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<sup>1</sup> Defendants believe that the Case Management Conference scheduled for July 9 should go forward as planned.

Respectfully submitted,

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*Counsel for Defendants ImStem Biotechnology,  
Inc., Xiaofang Wang, and Ren-He Xu*

Date: June 28, 2019

**LOCAL RULE 7.1 CERTIFICATION**

I, Charles Sanders, counsel for Astellas, hereby certify that we have conferred with counsel for ImStem, Xiaofang Wang, and Ren-He Xu and they have joined in this motion.

/s/ Charles H. Sanders

Charles H. Sanders

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was served upon the attorney of record for each party via the Court's CM/ECF filing system.

/s/ Charles H. Sanders

Charles H. Sanders